Four CIA Officials Defend Censorship Of Marchetti Book

By Laurence Stern 3/1/74
Washington Post Staff Writer

In a closed federal courtroom guarded by U.S. marshals, four deputy directors of the Central Intelligence Agency yesterday defended national security censorship of a book by two former intelligence officials.

U.S. District Court Judge Albert V. Bryan Jr. cleared the Alexandria courtroom for their testimony which touched on 162 deletions ordered by the CIA on grounds that the material divulges highly sensitive intelligence secrets.

Attorneys for the authors, former CIA analyst Victor L. Marchetti and former State Department intelligence officer John D. Marks, are challenging the classification procedures of the CIA on grounds that the censorship action was improper and capricious.

Marchetti and Marks are suing the respective heads of their former agencies, CIA Director William E. Colby and Secretary of State Henry A. Kissinger, to restore all deletions from their manuscript, "The CIA and the Cult of Intelligence," scheduled for publication this spring by Alfred A. Knopf Jr.

Colby has said that the court test is crucial to his statutory role as a protector of national security sources and secrets. Should the CIA lose the case, Colby has ordered legislation drafted for submission to Congress which would impose new criminal penalties on former CIA employees who divulge what the government deems to be classified material.

Attorneys for the two authors contend that the issues in the battle of the book touch on the First Amendment questions that were raised in the Pentagon Papers case. In the current trial, however, the issue at hand is the validity of the security standards applied by the CIA to the Marchetti-Marks manuscript.

It was to defend its position on this point that the government marshaled the rare gathering outside of headquarters of top intelligence officials in the Alexandria court room: CIA Deputy Directors William Nelson for operations, Carl Duckett for science and technology, Edward Proctor for intelligence and Harold L. Brownman for management and services.

The thrust of their combined testimony, it was understood, was that each decided on the basis of his particular expertise that portions of the manuscript violated security classifications.

This was the procedure that was described as "capricious" by attorneys for the two authors, who requested that the documents and classification standards be produced to justify the deletions.

CIA Director Colby is expected to testify, also in camera, at today's session. To rebut CIA testimony, the two authors offered the testimony—also behind closed doors—of former National Security Council staffer Morton Halperin, who was an expert witness in the Pentagon Papers case.

The case, which is expected to be argued for a week, is an outgrowth of the government's first effort to impose pre-publication restraint in the courts on national security grounds. In the Pentagon papers case, which the government lost, the Justice Department went to court after publication of the Vietnam study had begun in The New York Times, The Washington Post and other newspapers.

In arguing for the book's publisher, Knopf, New York attorney Floyd Abrams said a question in the case is "whether Knopf's right to publish can properly be deemed less extensive than was that of The New York Times in the Pentagon pars case.

The government won the first round in the battle of the book in 1972 when Judge Bryan enjoined Marchetti from publishing classified material gathered during his 14 years of CIA employment without prior agency clearance.

When the manuscript was completed last fall Marchetti and Marks submitted it, under the terms of the injunction, for CIA review.

Initially the CIA ordered more than 300 deletions. After negotiation the number was reduced to 225. By yesterday the government was seeking to strike 162 passages.

Should the government prevail on the remaining points, Knopf reportedly intends to publish the manuscript with the deleted passages marked "Deleted."